

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

FOREST LABORATORIES, INC., et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	C.A. No. 08-021 (GMS) (LPS)
	)	CONSOLIDATED
COBALT LABORATORIES INC., et al.,	)	
	)	
Defendants.	)	

FOREST LABORATORIES, INC., et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	C.A. No. 08-022 (GMS) (LPS)
BARR LABORATORIES, INC., et al.,	)	
	)	
Defendants.	)	

FOREST LABORATORIES, INC., et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	C.A. No. 08-052 (GMS) (LPS)
	)	
DR. REDDY'S LABORATORIES, INC., et	)	
al.,	)	
	)	
Defendants.	)	

FOREST LABORATORIES, INC., et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	C.A. No. 08-291 (GMS) (LPS)
	)	
ORGENUS PHARMA INC.,	)	
	)	
Defendant.	)	

FOREST LABORATORIES, INC., et al.,

Plaintiffs,

V.

APOTEX INC., et al.,

**Defendants.**

C.A. No. 08-336 (GMS) (LPS)

**PLAINTIFFS' REPLY TO DEFENDANTS  
APOTEX INC.'S AND APOTEX CORP.'S COUNTERCLAIMS**

Plaintiffs/Counterclaim Defendants Forest Laboratories, Inc. and Forest Laboratories Holdings, Ltd. (collectively “Forest”) and Merz Pharma GmbH & Co. KGaA and Merz Pharmaceuticals GmbH (collectively “Merz”), for their Reply to the numbered paragraphs of the Counterclaims of Defendants/Counterclaimants Apotex Inc.’s and Apotex Corp.’s (collectively “Apotex”) (D.I. 94), hereby allege as follows:

## PARTIES AND JURISDICTION

1. Admitted.

2. Admitted.

3. Admitted.

4. Admitted.

5. Admitted.

6. Admitted.

7. Admitted that Merz has been, and continues to be, the sole assignee of the '703 patent since its issuance. Otherwise denied.

8. Admitted that Forest Laboratories Holdings, Ltd. is the exclusive licensee of the '703 patent in the United States. Otherwise denied.

9. Admitted, upon information and belief.

10. Admitted.

11. Admitted.

12. Admitted that this action arises under the patent laws of the United States.

Further admitted that this court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a). Otherwise denied.

13. Admitted that venue and personal jurisdiction are proper in this District for purposes of this action.

14. Admitted that a real, actual and justiciable controversy exists between Plaintiffs/Counterclaim Defendants and Apotex as to the infringement and validity of the '703 patent.

#### **COUNT I – DECLARATION OF INVALIDITY**

15. Plaintiffs/Counterclaim Defendants restate and incorporate by reference their responses to the allegations contained in Counterclaim Paragraphs 1-14 as though set forth specifically herein.

16. Denied.

#### **COUNT II – DECLARATION OF NON-INFRINGEMENT**

17. Plaintiffs/Counterclaim Defendants restate and incorporate by reference their responses to the allegations contained in Counterclaim Paragraphs 1-16 as though set forth specifically herein.

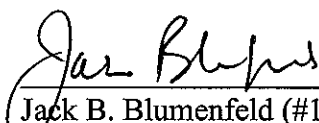
18. Denied.

**REPLY TO APOTEX'S DEMAND FOR JUDGMENT AND PRAYER FOR RELIEF**

Wherefore, Plaintiffs/Counterclaim Defendants deny that Apotex is entitled to any relief, either as prayed for in its Counterclaims or otherwise.

Plaintiffs/Counterclaim Defendants further deny each allegation contained in Apotex's Counterclaims that was not specifically admitted, denied, or otherwise responded to in this Reply to Defendants/Counterclaimants Apotex Inc.'s and Apotex Corp.'s Counterclaims.

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July 18, 2008

**CERTIFICATE OF SERVICE**

I hereby certify that on July 18, 2008 I electronically filed the foregoing with the Clerk of the Court using CM/ECF, which will send notification of such filing to:.

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I further certify that I caused to be served copies of the foregoing document on July 18, 2008 upon the following in the manner indicated:

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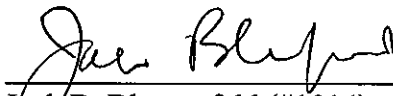
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